



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

**5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

August 21, 2015

Marc Pinard, Esq.
Brady Sullivan Properties, LLC
670 N. Commercial Street
Manchester, NH 03101

Dear Mr. Pinard,

EPA has reviewed the lead hazard dust mitigation plans, dated August 11, 2015, for 195 McGregor Street in Manchester, New Hampshire. EPA's comments are attached.

Revised plans should be prepared and submitted to EPA for review within 15 days of receipt of this letter.

If you have any questions, please contact Molly Magoon of my staff at (617) 918-1848 or case attorney Andrea Simpson at (617) 918-1738.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Chow", is written over a horizontal line.

James Chow, Manager
Technical Enforcement Office

cc: Beverly Drouin, NH DHHS
Diane Cartier, Les A. Cartier and Associates, Inc.
Mickey Laskey, American Environmental Testing Services, LLC

General Comments:

- 1) EPA disagrees that those units that showed no initial exceedances don't require cleaning or further assessment. There may be areas of concern (e.g., tops of kitchen cabinets, HVAC units, exterior sills, etc.) that were not evaluated or clearance tested during the initial assessment. EPA requests that these 10 units be included in the follow up activities that are to be conducted.
- 2) The Plans indicate that units where tenants have requested additional cleaning will be prioritized for further assessment and cleaning (approximately 10 units). EPA requests that the Respondent be proactive in notifying all tenants that additional cleaning is being offered, and that all tenants who respond affirmatively be added to the queue for near term cleaning.
- 3) In accordance with Paragraph VI - Community Relations of EPA's June 19, 2015 Order, frequent and open communications with the tenants is an important aspect of the Order. Regular updates on the status of the Respondent's cleanup efforts should be provided to the tenants. EPA has received several inquiries recently on the status of the project and such updates should be forthcoming from the Respondent. Please provide a summary of community relation efforts to date and a discussion of future plans.
- 4) EPA requests that all additional cleanup activities be completed within one year. As noted previously, all tenants should be encouraged to request and have their units cleaned in the near term. All remaining tenants should be required to have their units cleaned as a term of lease renewal.
- 5) EPA requests that an O&M plan be submitted by September 30, 2015 for EPA and NH DHHS review and approval. There are two specific issues that should be addressed in the O&M plan. 1) EPA has observed that several units have apparent gaps in flooring that represent potential future pathways for dust migration and accumulation. The O&M plan should address this concern and how this pathway will be eliminated. 2) All units should be cleaned when vacated regardless of whether or not the unit was cleaned and clearance tested when it was occupied. EPA recommends that this be conducted until each unit has been cleaned once while unoccupied.

Specific Comments on Plan 1 (Lead Risk Assessment and XRF Inspection Reports, Lead Exposure Hazard Reduction Plan. Common Area Risk Assessment, XRF Inspection Report, and Lead Exposure Hazard Reduction Plan, dated August 11, 2015)

- Create and attach list of EPA tasks by number (as referred to on page 5);
- 7 rather than 6 child occupied/pregnant women occupied units must be inspected and all lead hazards abated (referred to at Para #3 page 5);
- Section 4.2. The chart does not meet NH RSA-130 A definition: Lead exposure hazards is lead based substances on interior or exterior surfaces which are peeling, chipping,

chalking, or cracking or any paint located on a surface or fixture that is damaged or deteriorated and is likely to become accessible to a child. NH's rules do not make mention of needing to be more than 2 square feet.

- Section 7.0: Attach copies of all variances received from NH DHHS.
- Section 7.0: Acknowledge that all work must be overseen by a licensed lead abatement contractor. RRP certified individuals should not be on-site unless being supervised by a licensed lead abatement contractor.
- Summary of Plan 1 on page 8: Delete or revise the following statement: "...there is no current health risk to occupants of these units." EPA is not clear that this statement can be made at this time. For example, although lead dust hazards may have been alleviated, not all units have been checked for lead-based paint hazards.

Specific Comments on Plan 2 (Plan for Lead Dust Wipe Analysis, Lead Dust Hazard Mitigation Plan, dated August 11, 2015)

- Section 5.1 - 2nd bullet: Misspelling: "townner" should be "tower."
- Section 5.2: Units occupied by young children: add: "under the ages of 6 years old and any units occupied by pregnant women"; also add that complete lead inspections and necessary lead abatement and clearance are still needed to be completed in each of these units;
- Section 5.2: See "General Comments" for comments regarding the 2 year period.
- Section 6.0, section titled "Specific Clean-up Activities:" In the itemized list, please distinguish between EPA's requested activity and the response to the requested activity.
- Section 6.0, #9: Please note that the area between the floorboards and the bottom of the baseboards should be cleaned to the flooring clearance standard of 40µg/ft².
- Section 6.0, #11: Misspelling: "terns" should be "items."
- Section 6.0, #15: Cleaning of HVAC piping and structure should occur before replacement of filters.
- Section 6.0, #16: Revise the date and clarify that these common areas may be re-cleaned and re-cleared as necessary
- Section 6.0, #18: EPA requests that the O&M plan be submitted by September 30, 2015 for EPA and NH DHHS review and approval.
- Section 7.0, 1st paragraph, 1st sentence: The 10 units that achieved clearance standards in initial sampling were not cleaned.
- Section 7.0, section titled "Specific Clean-up for Additional Unit Interior Work," #3: Misspelling: "clan" should be "clean."
- Section 7.0, section titled "Specific Clean-up for Additional Unit Interior Work," #5: Visible dust from HVAC piping/equipment should occur before replacing the HVAC filters.

Specific Comments on Plan 3 (Plan for Lead Dust Mitigation and Renovation of Unoccupied Spaces (first and second floors), dated August 11, 2015)

- Summary: Please clarify what is meant by "as close to the standard as possible" and "as thorough and efficient as possible?"
- Appendix F: The Respondent is reminded that this overall project is a lead clean-up where the intent is to clean up lead hazards. This is not a renovation, repair, or painting job. It should be considered a lead abatement job and properly trained individuals should be utilized or should be overseen by a licensed lead abatement contractor with a variance granted by NH DHHS to utilize RRP staff.
- Appendix F, Section 6.3: Provide Results of TCLP tests to EPA.